

# The Consumer Product Safety Commission makes some questionable recommendations, especially regarding phthalates

By ACSH Staff — February 3, 2015



The [Consumer Product Safety Commission \(CPSC\)](#) <sup>[1]</sup>

consists of five appointees charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of types of consumer products under the agency's jurisdiction (such as toys, cribs, power tools, cigarette lighters, and household chemicals). You would think they would be acting in the interests of consumers, yet [an editorial published](#) <sup>[2]</sup> in the *Washington Times* points out that in some circumstances, this is not the case.

Before looking at the current issue, let's take a look at some of the things this commission has considered in the past:

It once occurred to the consumer commissioners that a toddler could easily (or not so easily) toddle into a bucket of water and drown. Pondering that awful if unlikely possibility, the commissioners considered requiring holes in the bottom of five-gallon buckets sold in the United States. The idea died when it further occurred to an alert and smarter bureaucrat that the market for a bucket that leaks might be a small one.

These may seem comical, but currently the commission is considering a ban on certain kinds of phthalates. Phthalates have been used for decades to soften plastics (among many other uses). These plasticizers are found almost everywhere in cars, flooring and other everyday building materials as well as toddlers' chewy toys. Last year, the CPSC [convened a Chronic Hazard Advisory Panel](#) <sup>[3]</sup> (CHAP) to look at the effects on children's health of phthalates found in children's toys and childcare articles, and make recommendations to the commission concerning whether certain phthalates should be banned. Their recommendations were in fact to further tighten the already stringent limits on several types of phthalates.

Now the CPSC has decided to adopt just about without modification those recommendations, pending further public commentary. However, the problems with the recommendations are manifold: the panel relied on outdated studies, used rodent studies to make conclusions about

effects on human health, and failed to consider the effects of the other less studied chemicals that may replace phthalates. They used data from the most concerning phthalates and incriminated the entire group, a sort of guilt by association. Furthermore, the panel proposed to make permanent a ban on diisononyl phthalate (DINP) at levels greater than 0.1 percent.

There appear to be some sane voices on the commission, though. Commissioner Ann Marie Buerkle, a former member of Congress, says [she is greatly concerned](#) <sup>[4]</sup> that we are considering banning chemicals that have been in use for many years, and whose risks have been studied for a long time when we know very little about the alternatives that may be used instead. And commissioner Joseph Mohorovic, former Senior Vice President of Intertek, a global leader in product testing, says, I would only point out that we re driven by data which is outmoded, ineffective and insufficient, according to the Times editorial.

ACSH s Dr. Gilbert Ross says, Phthalates have been used safely for over fifty years and are essential to the production of important products and medical devices. We at ACSH have long been talking about the safety of phthalates. In fact, [we produced a](#) <sup>[5]</sup> Blue Ribbon Panel Report entitled A Scientific Evaluation of Health Effects of Two Plasticizers Used in Medical Devices and Toys, which looked at the effects of two phthalate plasticizers, one of which was DINP. The evaluation, led by former surgeon general C. Everett Koop and researched and written by a panel of 17 world-renowned experts in various relevant fields of academia, found that these two phthalates were safe as used in consumer products. We have continued to follow the science on phthalates, and despite the unscientific mandates of the so-called Consumer Products Safety Improvement Act of 2008 the products containing phthalates are not a threat to children nor adults.

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#### Links

[1] <http://www.cpsc.gov/en/About-CPSC/>

[2] <http://www.washingtontimes.com/news/2015/feb/2/editorial-cpsc-eyes-useless-regulations/>

[3] <http://www.cpsc.gov/en/Regulations-Laws--Standards/Rulemaking/Final-and-Proposed-Rules/Prohibition-of-Childrens-Toys-and-Child-Care-Articles-Containing-Specified-Phthalates/>

[4] [http://www.cpsc.gov/en/About-CPSC/Commissioners/Ann-Marie-Buerkle/Ann-Marie-Buerkle-Statements/Commissioner-Buerkle-Statement-on-the-Phthalates-NPR/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=Commissioner+Buerkle+Statements](http://www.cpsc.gov/en/About-CPSC/Commissioners/Ann-Marie-Buerkle/Ann-Marie-Buerkle-Statements/Commissioner-Buerkle-Statement-on-the-Phthalates-NPR/?utm_source=rss&utm_medium=rss&utm_campaign=Commissioner+Buerkle+Statements)

[5] <http://acsh.org/1999/09/acsh-responds-to-criticism-of-blue-ribbon-panels-report-on-phthalates/>